

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ELI POPE, et al.,)	17-CV-8373 (RBK/AMD)
)	
Plaintiffs,)	
)	
vs.)	
)	
NAVIENT CORPORATION, et al.,)	Camden, NJ
)	September 10, 2020
Defendants.)	2:02 p.m.

TRANSCRIPT OF TELEPHONE STATUS CONFERENCE
BEFORE THE HONORABLE ANN MARIE DONIO
UNITED STATES MAGISTRATE JUDGE

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I N D E X

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Mr. Porritt

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THE COURT:

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Colloquy

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1 (The following was heard via telephone conference
2 at 2:02 p.m.)

3 THE COURT: All right. This is Judge Donio. We're
4 on the record for a status conference call in Case No. 17-
5 8373.

6 May I have the appearances today, beginning with
7 plaintiff's counsel.

8 MR. PORRITT: Good afternoon, Your Honor. Nicholas
9 Porritt of Levy & Korsinsky on behalf of the plaintiff.

10 MR. APTON: And with Mr. Porritt is Adam Apton, also
11 of Levy & Korsinsky for the plaintiff.

12 THE COURT: Thank you. For defendants?

13 MR. WALD: Your Honor, good afternoon. It's Peter
14 Wald of Latham & Watkins on behalf of the defendants, and
15 with me today are my colleagues, Kevin McDonough and Jordan
16 Cook.

17 THE COURT: And that's everyone, correct?

18 MR. WALD: I believe so, Your Honor.

19 THE COURT: All right. May I have a status report,
20 please?

21 MR. PORRITT: Yes, Your Honor, I'll start and
22 then --

23 THE COURT: Well, I'll just note one was filed on
24 the docket at number 72, just two days ago.

25 MR. PORRITT: Yes, Your Honor. The parties did file

1 a joint status report. I'll briefly touch on the high points
2 from it, which is that, I think is in the report, that
3 discovery is proceeding and the class certification is
4 proceeding well and efficiently. I think we have a good
5 working relationship with -- with defendants' counsels. We
6 meet regularly by phone every two weeks to discuss progress.
7 That has generally been working well.

8 Class certification is proceeding exactly according
9 to the schedule set by Your Honor earlier, so there's no
10 change required there.

11 As was anticipated at the last status conference or
12 the initial conference, case management conference, we do
13 request an extension of the fact discovery deadline that was
14 set at that time, which was for the end of this month.

15 Now that we have a volume of documents, we have a
16 significant volume of documents that we're reviewing, and we
17 have -- you know, we anticipate about 12 depositions to be
18 taken, you know, plus or minus, so we anticipate. We're
19 requesting an extension through February 26th to get that
20 done, and we -- both parties intend that to be the one and
21 only extension that we -- that we would request from the
22 Court.

23 THE COURT: Okay. Let me just look at this now.
24 The dates that you're proposing would not have -- would be
25 almost more than a year before we would have dispositive

1 motions fully briefed in this matter, right?

2 MR. PORRITT: Fully -- dispositive motions fully
3 briefed under our new proposed schedule on November 29th,
4 2021.

5 THE COURT: Okay. So, first of all, I can't approve
6 the schedule at it relates to the deadlines of the
7 dispositive motions as far as the briefing schedule because
8 that would be beyond the normal rules and that would have to
9 go to the district judge. I can set a date for the filing of
10 dispositive motions, but not give you as much as you have in
11 your proposal for the completion of the motion packets.
12 Okay? That's the first thing.

13 Now, looking at your dates or currently when we had
14 our initial conference back in February, pre-pandemic, we had
15 a scheduling order which required you to have fact discovery
16 done by September, and although you're working well, it
17 doesn't sound to me like you even started depositions yet,
18 correct?

19 MR. PORRITT: That is correct, Your Honor. The
20 volume of documents produced has been profound.

21 THE COURT: Are we done with paper production? Are
22 you ready to start scheduling depositions?

23 MR. PORRITT: We anticipate wrapping up document
24 review substantially by the end of this month and we're
25 looking to start depositions next month.

1 THE COURT: So if you start depositions in October,
2 I'm not really sure why we need to go out through to
3 February. I'm not inclined to do that right now. I imagine
4 most of the depositions are going to be done by Zoom, which
5 may actually speed the process.

6 So I would think what I'd like to do is grant you an
7 extension, since it's a joint application, but rather than
8 extend it from September to the end of February, for now I'm
9 only going to give you a 90-day extension so that your fact
10 discovery should be done by the end of the year. And then
11 I'll have another status call in November, and if you've made
12 great progress and there's just a few things you need to, you
13 know, finish up or there's good cause to further extend it
14 due to issues beyond the control of counsel, then, you know,
15 I'll revisit the issue. But for now I'd just rather than
16 grant as long a period of time as you're requesting, 12
17 depositions can be done in the next 90 days plus, it's
18 actually plus 90 days.

19 MR. PORRITT: Very good, Your Honor. Well, we'll
20 work to -- we are working hard and we'll continue on in that
21 fashion and we'll do our best to meet the schedule, if we
22 can.

23 THE COURT: All right. Is there anything further
24 from either party?

25 MR. WALD: Not from the defendants, Your Honor.

Colloquy

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1 THE COURT: All right. So for the reasons that I've
2 just indicated, I am going to note that the parties jointly
3 requested I think it's a six-month extension, I don't find
4 good cause at this time yet to make that extension. That's
5 not to say that I wouldn't revisit that issue, but I would
6 like to see the depositions get started. And I will grant a
7 90-day extension without prejudice to the parties to
8 demonstrate good cause for any further extension.

9 A new scheduling order will replace that and we'll
10 track the prior scheduling order as far as the issuance of
11 expert reports and the filing of dispositive motions would
12 follow the end of fact discovery, which will now be the end
13 of December. And I'll schedule a status call in November.

14 Anything further?

15 MR. PORRITT: Nothing from plaintiff, Your Honor.

16 MR. WALD: Nothing from defendants, Your Honor.

17 Thank you.

18 THE COURT: All right. Thank you, counsel. You all
19 have a good day. We are adjourned.

20 (Proceedings concluded)

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C E R T I F I C A T I O N

I, Roxanne Galanti, court approved transcriber,
certify that the foregoing is a correct transcript from the
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/s/Roxanne Galanti

September 14, 2020

ROXANNE GALANTI

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